

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 00-177(2) (DSD)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	
ENNIS ORLANDO FITZGERALD,)	
)	
Defendant.)	

This matter came on for a hearing on August 17, 2006, upon a petition on supervised release. The defendant was present and represented by Assistant Federal Defender Andrea K. George. The United States was represented by Assistant United States Attorney Nicole A. Engisch.

At the hearing, after being advised of his rights and of the petition on supervised release, the defendant admitted the charged violations and waived his right to a further hearing on the matter.

FINDINGS OF FACT

Based upon the defendant's admissions and upon the records in this case, the Court makes the following findings of fact:

1. The defendant failed to appear for drug testing as scheduled on January 5, 11, 24, 27; and February 1 and 6, 2006.
2. The defendant failed to complete the relapse prevention group program at Resource Recovery Center in Minneapolis, Minnesota.

3. The defendant failed to perform 25 hours of community service, as approved by the U.S. Probation Officer.

4. Each of the foregoing was a condition of the defendant's supervised release.

RECOMMENDATION

Based upon all the files, records and proceedings herein, IT IS HEREBY RECOMMENDED that:

1. The defendant's supervised release be revoked.
2. The defendant be committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of four months.
3. Upon his release from imprisonment, the defendant be placed on a term of supervised release, such term to continue until September 22, 2008, and to be subject to all existing conditions under his now-revoked supervised release, except that he shall not be required to complete 25 hours of community service and the relapse prevention group program at Resource Recovery Center.

DATED: August 18, 2006

s/ Janie S. Mayeron
Janie S. Mayeron
United States Magistrate Judge